

Serial No. 10/624,811

REMARKS

This amendment is responsive to the official action dated February 2, 2005.

Claims 1-18 were pending in the application. Claims 1-18 were rejected. Claims 1-18 were objected to. No claims were allowed by the Examiner.

By way of this amendment, the Applicant has canceled Claims 9-17 and amended Claims 1-8 and 18.

Accordingly, Claims 1-8 and 18 are currently pending.

I. OBJECTION TO DRAWINGS

The drawings were objected to because the claimed channel was not labeled. The Applicant has amended the claims to eliminate the term "channel" in favor of the term "raised central portion" which was used extensively throughout the specification. In view of this amendment, withdrawal of this objection is respectfully requested.

II. OBJECTION TO SPECIFICATION

The specification was objected to because the claimed channel was not in the specification. The Applicant has amended the claims to eliminate the term "channel" in favor of the term "raised central portion" which was used extensively throughout the specification. In view of this amendment, withdrawal of this objection is respectfully requested.

III. OBJECTION TO CLAIMS

Claims 1-9 and 10-18 were objected to because the claimed term channel did not have antecedent basis in the specification. The Applicant has amended the claims to eliminate the term "channel" in favor of the term "raised central portion" which was used extensively throughout the specification. In view of this amendment, withdrawal of this objection is respectfully requested.

Serial No. 10/624,811

IV. REJECTION OF CLAIMS UNDER 35 USC 102

Claims 1-4 and 6-9 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 5,270,911 (Maglica et al.) or US Patent No. 4,688,705 (Miree). The rejection stated that both Miree and Maglica disclose assemblies for removably receiving and supporting a flashlight and that the claims are therefore anticipated by these references.

The claims of the present application have been amended to reflect a combination assembly with a mounting plate and a flashlight having a clip on the rear thereof that engages a raised portion of the mounting plate.

Maglica discloses a ball retained between two clamping members wherein the flashlight is inserted in a central opening of the ball. There is no disclosure relative to a flashlight with a clip thereon and there further is no disclosure relative to a mounting plate with a raised central portion configured to receive the clip on the rear of the flashlight. Accordingly, since the claims of the present application, as amended, include limitations that are not disclosed or suggested in the cited reference, this reference cannot anticipate the present invention under §102.

Similarly, Miree discloses a saddle apparatus that engages a bicycle handlebar and includes a seat into which a flashlight is strapped. There is no disclosure relative to a flashlight with a clip thereon and there further is no disclosure relative to a mounting plate with a raised central portion configured to receive the clip on the rear of the flashlight. Accordingly, since the claims of the present application, as amended, include limitations that are not disclosed or suggested in the cited reference, this reference cannot anticipate the present invention under §102.

Since the claims of the present application, as amended, include subject matter that is not shown or suggested in the cited reference, the present application cannot be anticipated under §102. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Serial No. 10/624,811

V. REJECTION OF CLAIMS UNDER 35 USC 102

Claim 10 was rejected under 35 USC 102(e), as being anticipated by US Patent No. 6,612,714 (Morre et al.)

The Applicant has canceled Claim 10, therefore the rejection with respect to this claim is no longer applicable. Withdrawal of this rejection is respectfully solicited.

VI. REJECTION OF CLAIMS UNDER 35 USC 103

Claims 5, and 9-19 were rejected under 35 USC 103(a), as being anticipated by US Patent No. 5,270,911 (Maglica et al.) or US Patent No. 4,688,705 (Miree) in view of US Patent No. 4,881,155 (Gahagan). The rejection stated that both Miree and Maglica disclose all of the aspects of the present invention except a magnet and a clip and that Gahagan teaches. In view of these references, it would have been obvious to one skilled in the art to combine the references rendering the present invention obvious.

As stated above, the claims of the present application have been amended to reflect a combination assembly with a mounting plate and a flashlight having a clip on the rear thereof that engages a raised portion of the mounting plate.

Maglica discloses a ball retained between two clamping members wherein the flashlight is inserted in a central opening of the ball. There is no disclosure relative to a flashlight with a clip thereon and there further is no disclosure relative to a mounting plate with a raised central portion configured to receive the clip on the rear of the flashlight.

Similarly, Miree discloses a saddle apparatus that engages a bicycle handlebar and includes a seat into which a flashlight is strapped. Again, there is no disclosure relative to a flashlight with a clip thereon and there further is no disclosure relative to a

Serial No. 10/624,811

mounting plate with a raised central portion configured to receive the clip on the rear of the flashlight.

Finally, Gahagan teaches a flashlight that includes a clip on the rear thereof and a magnet. However, the present invention discloses that the clip engages a raised portion of a mounting plate that in turn has a magnet on the rear thereof.

Therefore, even if the cited reference were combined, they simply do not suggest or disclose the elements of the present invention. Therefore, the combination of references cited by the Examiner cannot render the present invention obvious. Withdrawal of this rejection is respectfully requested.


VII. CONCLUSION

Accordingly, claims 1-8 and 18 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



Mark E. Tetreault, Esq.
Reg. No. 48,289

BARLOW, JOSEPHS & HOLMES, Ltd.
101 Dyer Street, 5th Floor
Providence, RI 02903
(401) 273-4446 (tel)
(401) 273-4447 (fax)
met@barjos.com